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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,192	07/19/2001	Bo Lee	27943-00417	9137

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EXAMINER	
MILLER, BRANDON J	

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/909,192	LEE ET AL.	
	Examiner	Art Unit	
	Brandon J Miller	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-26 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5-6.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 6, 8-11, 15-18, 21, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salonaho in view of Vijayan.

Regarding claim 1 Salonaho teaches a telecommunications system within a Code Division Multiple Access network (see col. 4, lines 16-17). Salonaho teaches a network having a base station serving a sector (see col. 7, lines 9-11). Salonaho teaches a base station further storing data packets associated with data sessions involving one or more mobile terminals (see col. 4, lines 33-35, col. 10, lines 23-25, and col. 12, lines 5-6). Salonaho teaches a threshold value having a size and processing means to receive the threshold value (see col. 10, lines 25-28). Salonaho teaches selecting one or more mobile terminals for communication connection when a threshold value size exceeds a predefined threshold (see col. 9, lines 20-23 and col. 10, lines 12-15). Salonaho teaches prioritizing a subscriber terminal performing handover (see col. 110, lines 29-30). Salonaho does not specifically teach a CDMA2000 network, one or more mobile terminals whose respective data rate controls (DRC) are pointed towards a sector, an overhead message handler adapted to receive a queue size, or transmitting a respective message to selected one or more mobile terminals instructing the selected one or more mobile terminals to not point their respective DRCs toward a sector. Vijayan teaches a CDMA network (see col. 2,

lines 34-37 & 47-48). Vijayan teaches one or more mobile terminals whose respective data rate controls (DRC) are pointed towards a sector (see col. 11, lines 65-67 and col. 12, lines 1-2). Vijayan teaches an overhead message handler for transmission of data information (see col. 3, lines 65-67 and col. 4, lines 1-4). Vijayan teaches transmitting a respective message to selected one or more mobile terminals (see col. 8, lines 26-30 & 44-45). Vijayan teaches instructing one or more mobile terminals to point their respective DRC's at a specific sector (see col. 11, lines 65-67 and col. 12, lines 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to specifically include a CDMA2000 network, one or more mobile terminals whose respective data rate controls (DRC) are pointed towards a sector, an overhead message handler adapted to receive a queue size, and transmitting a respective message to selected one or more mobile terminals instructing the selected one or more mobile terminals to not point their respective DRCs toward a sector because this would allow for efficient traffic load control in a telecommunications network.

Regarding claim 2 Salonaho teaches a base station controller associated with a base station (see col. 10, lines 23-25). Vijayan teaches a base station that can transmit an overhead message (see col. 8, lines 60-63).

Regarding claim 3 Salonaho teaches a device as recited in claim 1 except for specifically teaching a message that is a QuickConfig message. Vijayan does teach transmitting a respective message to selected one or more mobile terminals (see col. 8, lines 26-30 & 44-45). It would have been obvious to one of ordinary skill in the art at the time the invention was being made to make the message adapt to specifically include a message that is a QuickConfig message because this would allow for efficient broadcast messaging to one or more mobile terminals.

Regarding claim 6 Salonaho teaches analyzing one or more factors to select a selected one or more mobile terminals to discontinue using a sector for a respective data session (see col. 9, lines 20-23 and col. 10, lines 12-15).

Regarding claim 8 Salonaho teaches selected one or more mobile terminals that perform virtual handoff to one or more adjacent sectors (see col. 10, lines 4-8 & 29-30). Vijayan teaches one or more mobile terminals whose respective data rate controls (DRC) are pointed towards a sector (see col. 11, lines 65-67 and col. 12, lines 1-2).

Regarding claim 9 Vijayan teaches a high data rate system including a base station capable of having a data only carrier capable of providing only data service to one or more mobile terminals (see col. 2, lines 34-40).

Regarding claim 10 Salonaho teaches a telecommunications system for load sharing within a Code Division Multiple Access network (see col. 2, lines 27-30 and col. 4, lines 16-17). Salonaho teaches a network having a base station serving a sector (see col. 7, lines 9-11). Salonaho teaches a base station further storing data packets associated with data sessions involving one or more mobile terminals (see col. 4, lines 33-35, col. 10, lines 23-25, and col. 12, lines 5-6). Salonaho teaches a base station controller storing a predefined threshold for a sector therein, the base station controller being adapted to receive threshold value and compare threshold size with a predefined threshold (see col. 10, lines 23-28 and col. 11, lines 12-16). Salonaho teaches selecting one or more mobile terminals for a communication connection when a threshold value size exceeds a predefined threshold (see col. 9, lines 20-23 and col. 10, lines 12-15). Salonaho teaches prioritizing a subscriber terminal performing handover (see col. 110, lines 29-30). Salonaho does not specifically teach a CDMA2000 network, one or more mobile

terminals whose respective data rate controls (DRC) are pointed towards a sector, a queue, or transmitting a respective message to selected one or more mobile terminals instructing the selected one or more mobile terminals to not point their respective DRCs toward a sector. Vijayan teaches a CDMA network (see col. 2, lines 34-37 & 47-48). Vijayan teaches one or more mobile terminals whose respective data rate controls (DRC) are pointed towards a sector (see col. 11, lines 65-67 and col. 12, lines 1-2). Vijayan teaches an overhead message handler for transmission of data information (see col. 3, lines 65-67 and col. 4, lines 1-4). Vijayan teaches transmitting a respective message to selected one or more mobile terminals (see col. 8, lines 26-30 & 44-45). Vijayan teaches instructing one or more mobile terminals to point their respective DRC's at a specific sector (see col. 11, lines 65-67 and col. 12, lines 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to specifically include a CDMA2000 network, one or more mobile terminals whose respective data rate controls (DRC) are pointed towards a sector, a queue, and transmitting a respective message to selected one or more mobile terminals instructing the selected one or more mobile terminals to not point their respective DRCs toward a sector because this would allow for efficient traffic load control in a telecommunications network.

Regarding claim 11 Salonaho and Vijayan teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 15 Salonaho and Vijayan teach a device as recited in claim 8 and is rejected given the same reasoning as above.

Regarding claim 16 Salonaho and Vijayan teach a device as recited in claim 9 and is rejected given the same reasoning as above.

Regarding claim 17 Salonaho teaches a telecommunications system within a Code Division Multiple Access network (see col. 4, lines 16-17). Salonaho teaches a predefined threshold for a sector associated with a base station controller (see col. 7, lines 9-11, col. 9, lines 32-33 and col. 10, lines 23-28). Salonaho teaches a base station further storing data packets associated with data sessions involving one or more mobile terminals (see col. 4, lines 33-35, col. 10, lines 23-25, and col. 12, lines 5-6). Salonaho teaches a threshold value having a size and processing means to receive the threshold value (see col. 10, lines 25-28). Salonaho teaches selecting one or more mobile terminals for a communication connection when a threshold value size exceeds a predefined threshold (see col. 9, lines 20-23 and col. 10, lines 12-15). Salonaho teaches prioritizing a subscriber terminal performing handover (see col. 110, lines 29-30). Salonaho does not specifically teach a CDMA2000 network, one or more mobile terminals whose respective data rate controls (DRC) are pointed towards a sector, an overhead message handler adapted to receive a queue size, or transmitting a respective message to selected one or more mobile terminals instructing the selected one or more mobile terminals to not point their respective DRCs toward a sector. Vijayan teaches a CDMA network (see col. 2, lines 34-37 & 47-48). Vijayan teaches one or more mobile terminals whose respective data rate controls (DRC) are pointed towards a sector (see col. 11, lines 65-67 and col. 12, lines 1-2). Vijayan teaches an overhead message handler for transmission of data information (see col. 3, lines 65-67 and col. 4, lines 1-4). Vijayan teaches transmitting a respective message to selected one or more mobile terminals (see col. 8, lines 26-30 & 44-45). Vijayan teaches instructing one or more mobile terminals to point their respective DRC's at a specific sector (see col. 11, lines 65-67 and col. 12, lines 1-2). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to make the device adapt to specifically include a CDMA2000 network, one or more mobile terminals whose respective data rate controls (DRC) are pointed towards a sector, an overhead message handler adapted to receive a queue size, and transmitting a respective message to selected one or more mobile terminals instructing the selected one or more mobile terminals to not point their respective DRCs toward a sector because this would allow for efficient traffic load control in a telecommunications network.

Regarding claim 18 Salonaho and Vijayan teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 21 Salonaho teaches a telecommunications system within a Code Division Multiple Access network (see col. 4, lines 16-17). Salonaho teaches storing a predefined threshold for a sector in a CDMA network (see col. 7, lines 9-11, and col. 10, lines 27-28). Salonaho teaches a base station further storing data packets associated with data sessions involving one or more mobile terminals (see col. 4, lines 33-35, col. 10, lines 23-25, and col. 12, lines 5-6). Salonaho teaches selecting one or more mobile terminals for a communication connection when a threshold value size exceeds a predefined threshold (see col. 9, lines 20-23 and col. 10, lines 12-15). Salonaho teaches prioritizing a subscriber terminal performing handover (see col. 110, lines 29-30). Salonaho does not specifically teach a CDMA2000 network, one or more mobile terminals whose respective data rate controls (DRC) are pointed towards a sector, or transmitting a respective message to selected one or more mobile terminals instructing the selected one or more mobile terminals to not point their respective DRCs toward a sector. Vijayan teaches a CDMA network (see col. 2, lines 34-37 & 47-48). Vijayan teaches one or more mobile terminals whose respective data rate controls (DRC) are pointed towards a

sector (see col. 11, lines 65-67 and col. 12, lines 1-2). Vijayan teaches an overhead message handler for transmission of data information (see col. 3, lines 65-67 and col. 4, lines 1-4). Vijayan teaches transmitting a respective message to selected one or more mobile terminals (see col. 8, lines 26-30 & 44-45). Vijayan teaches instructing one or more mobile terminals to point their respective DRC's at a specific sector (see col. 11, lines 65-67 and col. 12, lines 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to specifically include a CDMA2000 network, one or more mobile terminals whose respective data rate controls (DRC) are pointed towards a sector, and transmitting a respective message to selected one or more mobile terminals instructing the selected one or more mobile terminals to not point their respective DRCs toward a sector because this would allow for efficient traffic load control in a telecommunications network.

Regarding claim 25 Salonaho and Vijayan teach a device as recited in claim 8 and is rejected given the same reasoning as above.

Regarding claim 26 Salonaho and Vijayan teach a device as recited in claim 6 and is rejected given the same reasoning as above.

Claims 4-5, 7, 12-14, 19-20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salonaho, in view of Vijayan and Esteves.

Regarding claim 4 Salonaho and Vijayan teach a device as recited in claim 3 except for a QuickConfig message that includes a DRC Lock field, the DRC Lock field having a bit set to 0 indicating that a DRC of a respective selected mobile terminal is not valid. Esteves teaches a DRC field having a bit set to 1or 0 indicating that a DRC of á respective selected mobile terminal is being received or not (see col. 5, lines 10-13). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to make the device adapt to include a QuickConfig message that includes a DRC Lock field, the DRC Lock field having a bit set to 0 indicating that a DRC of a respective selected mobile terminal is not valid because this would allow for improved stabilization in a telecommunications network.

Regarding claim 5 Salonaho, Vijayan, and Esteves teach a device as recited in claim 4 except for a QuickConfig message that includes a Reserved field, the Reserved field having one or more bits set to a MAC Index associated with a respective selected mobile terminal. Vijayan does teach a field having one or more bits associated with a respective selected mobile terminal (see col. 11, lines 46-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a QuickConfig message that includes a Reserved field, the Reserved field having one or more bits set to a MAC Index associated with a respective selected mobile terminal because this would allow for efficient broadcast messaging to one or more mobile terminals.

Regarding claim 7 Salonaho and Vijayan teaches a device as recited in claim 1 except for the selected one or more mobile terminals set their DRC cover index to 0 in response to receipt of a message. Salonaho does teach a connection index (see col. 4, line 24). Esteves teaches a terminal that sets a state bit in response to receipt of a DRC message (see col. 6, lines 6-7 & 11-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include selected one or more mobile terminals set their DRC cover index to 0 in response to receipt of a message because this would allow for efficient broadcast messaging to one or more mobile terminals.

Regarding claim 12 Salonaho, Vijayan, and Esteves teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 13 Salonaho, Vijayan, and Esteves teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 14 Salonaho, Vijayan, and Esteves teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 19 Salonaho, Vijayan, and Esteves teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 20 Salonaho, Vijayan, and Esteves teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 22 Salonaho and Vijayan teach a device as recited in claim 21 except for a message that is a QuickConfig message, step of transmitting further comprising: setting a bit of a DRC Lock field to 0 indicating that a DRC of a respective selected mobile terminal is not valid. Vijayan does teach transmitting a respective message to selected one or more mobile terminals (see col. 8, lines 26-30 & 44-45). Esteves teaches a DRC field having a bit set to 1or 0 indicating that a DRC of a respective selected mobile terminal is being received or not (see col. 5, lines 10-13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a message that is a QuickConfig message, step of transmitting further comprising: setting a bit of a DRC Lock field to 0 indicating that a DRC of a respective selected mobile terminal is not valid because this would allow for improved stabilization in a telecommunications network.

Regarding claim 23 Salonaho, Vijayan, and Esteves teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 24 Salonaho, Vijayan, and Esteves teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Laakso U.S Patent No. 6,671,512 discloses a method for traffic load control in a telecommunications network.

Esteves PCT WO 00/54430 discloses methods and apparatus for power allocation on a reverse link power control channel of a communications system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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April 14, 2004

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